

UNITED STATES DISTRICT COURT
for the
Eastern District of California

FILED
Oct 02, 2024
CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

United States of America
v.

DARAGH F. HAYES

Case No.

2:24-mj-0119 CSK

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of September 26, 2024 in the county of Sacramento in the
Eastern District of California, the defendant(s) violated:

Code Section

Offense Description

18 U.S.C. § 2251(a) and (e)

Sexual Exploitation of a Child

This criminal complaint is based on these facts:

(see attachment)

☒ Continued on the attached sheet.

/s/

Complainant's signature

Scott Schofield, FBI Special Agent

Printed name and title

SWORN to me over the telephone and SIGNED by me pursuant to Federal Rules of Criminal Procedure 4.1 and 4(d) on this
__2nd__ day of October, 2024.

Chi Soo Kim

Judge's signature

City and state: Sacramento, CA

Chi Soo Kim, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT AND ARREST WARRANT

I, Scott A. H. Schofield, being first duly sworn, hereby depose and state as follows:

I. INTRODUCTION AND PURPOSE FOR AFFIDAVIT

1. This affidavit is made to support a Criminal Complaint and Arrest Warrant charging Daragh Finbar HAYES with Sexual Exploitation of a Child, in violation of 18 U.S.C. § 2251(a) and (e), on or about September 26, 2024. As detailed below, this charge stems from HAYES, among other things, surreptitiously recording Child Victim 1.

2. The statements contained in this affidavit are based on my training and experience as a Special Agent in the Federal Bureau of Investigation (FBI), information I obtained, and information provided to be my other law enforcement. Because this affidavit is being submitted for the limited purpose of securing a complaint and arrest warrant, I have not included each and every fact known to me concerning this investigation and have set forth only the facts I believe are necessary to establish probable cause that HAYES violated 18 U.S.C. § 2251(a) and (e).

II. AGENT BACKGROUND

3. I am a Special Agent with the FBI, and have been since 2004. I am currently assigned to the Violent Crimes Against Children Squad in the Sacramento Division. While employed by the FBI, I have investigated federal criminal violations related to high technology or cybercrime, child exploitation, and child pornography. I have received training in the area of identifying and investigating child pornography and child exploitation crimes, and as part of my duties have observed and reviewed countless examples of child pornography in all forms of media, including computer media. I have served temporary duty assignments in both the Philippines and Cambodia during which I assisted in numerous investigations of American citizens who traveled to these countries for the purpose of having sex with minors. In the course of my employment, I have participated in many search warrants in connection with child exploitation matters and other violations involving both physical locations like businesses and residences, as well as online accounts. Moreover, I am a federal law enforcement officer who is engaged in enforcing the criminal laws, including 18 U.S.C. §§ 2251, 2252, 2423(b), (c), (f) and 2422(b), and I am authorized by the Attorney General to swear out criminal complaints and arrest suspects who have committed federal crimes.

III. STATEMENT OF PROBABLE CAUSE

A. Background of Investigation

4. The information in this section of the affidavit is my summary of information provided to me by an FBI undercover employee and other sources.

5. On or about September 9, 2024, while in a Kik group known for discussing and sharing sexual content related to minors, an FBI undercover employee (UC#1) observed user “DJ”¹ post a message about being located on the West Coast. The “DJ” account included a message banner that read “41 yo. Into and interested in all things kinky. []. Don’t PM asking for pics”. “DJ’s” Kik account showed it had been active for 1,668 days. Agents subsequently linked the user of the “DJ” account to HAYES, including through subpoenaed records, and confirmed that HAYES used the “DJ” account after agents served a federal search warrant at HAYES’s residence on October 1, 2024, as detailed more below. During the course of the private Kik chat between HAYES and UC#1, HAYES advised he was 41 years old and from Sacramento. HAYES is actually 43 years old and lives in Sacramento County.

6. From approximately on or about September 9 to September 30, 2024, HAYES exchanged messages with UC#1 on Kik and other messaging platforms. HAYES described spying on Child Victim 1² with “hidden cameras,” including a “[c]ouple of pens and a usb wall plug.” HAYES stated he was able to capture “Everything” with these hidden cameras, including Child Victim 1 “Showering, using the toilet ... ,” and later described Child Victim 1’s genitals. HAYES described the high quality of the recordings, further detailing various private body parts of Child Victim 1 he captured.³

7. HAYES provided specifics to UC#1 about the equipment he said he used to record Child Victim 1, bragging that he had created “enough material to last me a few years lol”.

8. HAYES described his preferred sexual age range as 10-14 year olds to UC#1.

9. HAYES also messaged UC#1 about his desire to watch a child be sexually abused by another man, about masturbating to the recordings he created of Child Victim 1, and about masturbating

¹ In order to preserve future investigative avenues, I am not listing the full account name or associated phone number in this publicly filed affidavit.

² Child Victim 1 has been identified by law enforcement and is under the age of 13, as further detailed in paragraph 11, below.

³ HAYES sent UC#1 a link to a hidden camera he described using. The manual did not specify where it was made, however, the IP address associated with the company’s website resolved to Israel.

1 onto a child's underwear.

2 10. HAYES suggested transitioning the conversation to a different internet-based application
3 that he considered more secure. During a conversation on that app, on or about September 27, 2024, he
4 sent two photos he purported to depict Child Victim 1 to UC#1. These included a color photo depicting a
5 close up of a pubescent child's genital area with some pubic hair visible, where the focal point of the
6 photo is the genital area, which I believe constitutes material defined in 18 U.S.C. § 2256(2)(A)(v),⁴ and
7 a color photo depicting another private body part of a pubescent minor child.⁵ HAYES told UC#1 these
8 images were screenshots he made from videos created of Child Victim 1 with his hidden cameras.

9 11. The victim in this case, Child Victim 1, was positively identified as a minor. Child Victim
10 1's identity was confirmed as the child depicted in the files described above, as well as the file dated on
11 or about September 30, discussed below. Agents also separately believe, based on their own
12 observations, that the child depicted in these files is Child Victim 1. Moreover, following the execution
13 of the search warrant described below, HAYES confirmed Child Victim 1's identity in a post-*Miranda*
14 statement and admitted recording Child Victim 1 with his hidden camera devices.

15 **B. Agents execute a Search Warrant at HAYES's Residence**

16 12. On October 1, 2024, at approximately 6:15 a.m., agents executed a federal search warrant
17 at HAYES' residence. During the search, agents seized a number of items of evidentiary value, including
18 three hidden cameras disguised as writing pens and one disguised as a USB phone charger. Each of these
19 items were consistent with items that HAYES told UC#1 he used to record Child Victim 1 during their
20 earlier chats in September 2024. Agents also seized HAYES' Apple laptop computer and his Apple
21 iPhone 14 cell phone.⁶ An SD card in HAYES' home office area, which was located near the hidden
22 camera devices, contained videos of Child Victim 1 that I believe satisfy 18 U.S.C. § 2256(2)(A)(v).
23 That SD card had a stamp on it indicating it was made in Asia.

24 ⁴ Upon request of the United States Magistrate Judge reviewing this complaint affidavit, I will
25 make this file available for review. FBI agents will maintain the copy of this image during the pendency
of the case.

26 ⁵ While this file does not satisfy 18 U.S.C. § 2256(2)(A)(v), I have included it to show HAYES'
27 sexual interest in children and intent to create material that might satisfy that definition.

28 ⁶ Based on a limited device preview by law enforcement, HAYES' Apple iPhone had the name
"Dar iPhone 14 Pro." Based on my background, training, and experience, I understand Apple iPhones
are not manufactured exclusively in California.

1 13. Investigators observed hidden camera footage depicting Child Victim 1 on HAYES’
2 Apple laptop and iPhone, which included a video of Child Victim 1 showering. For the shower video,
3 which appears to have been captured on September 30, 2024, the hidden camera appears to have been
4 placed on the floor pointing up toward Child Victim 1’s genital area, which is clearly visible to the
5 camera.

6 14. I later conducted a limited review of HAYES’ iPhone and located videos and photos in the
7 Hidden folder of the iPhone Photos app. Included in these files were videos of Child Victim 1 in the
8 bathroom and screenshots taken from what appeared to be other surreptitious recordings of Child Victim
9 1. In these screenshots, there appeared to be the two files described above that had been sent to UC#1
10 during September 2024; these two photos were marked as “favorites” using the built-in iPhone function
11 allowing a user to designate photos as favorites. The iPhone included a date of September 26, 2024, for
12 both files. The files were shared with UC#1 on September 27, 2024.

13 HAYES’ Mirandized Statement

14 15. Agents encountered HAYES at his home during service of the warrant. While at the
15 residence, HAYES provided a Mirandized statement to agents. Pertinent portions of his admissions are
16 summarized below:

17 a) HAYES was the sole user of his Apple laptop and iPhone 14. Both were password
18 protected and he provided the password and passcode for the items.

19 b) HAYES used the Kik application, acknowledged that he was the sole user of the
20 Kik account under investigation (“DJ”), and the app and account was currently active on his
21 iPhone.

22 c) HAYES admitted he owned three hidden camera devices which he had purchased
23 on the internet for approximately \$40 each.⁷ HAYES admitted he placed and angled these camera
24 devices in a way most likely to observe Child Victim 1’s anus and genital areas.

25 d) HAYES admitted that he transferred video recordings he made from the camera
26 devices to his laptop or iPhone and edited them using built in software.

27
28 ⁷ As of the time of this writing, four hidden camera devices have been located and seized by
investigators.

e) HAYES admitted he took screenshots from the videos, and that most of these screenshots depicted Child Victim 1's private body parts, including Child Victim 1's genitals and anus. HAYES knew many of these files would be currently located on his devices.

f) HAYES claimed he never masturbated to any of the videos or photos he had captured of Child Victim 1. However, he did acknowledge that he had told UC#1 that he masturbated to them often.

IV. CONCLUSION

16. Based on the foregoing, there is probable cause to believe that Daragh Finbar HAYES sexually exploited a child, in violation of 18 U.S.C. § 2251(a) and (e), on or about September 26, 2024. I respectfully request that a criminal complaint be issued against the defendant for the crime detailed above, and based upon this criminal complaint, an arrest warrant be issued for this defendant.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Respectfully submitted,

/s/

Scott A. H. Schofield
Special Agent
Federal Bureau of Investigation

SWORN to me over the telephone and SIGNED by me pursuant to Federal Rules of Criminal Procedure 4.1 and 4(d) on this 2nd day of October 2024.



HONORABLE CHI SOO KIM
U.S. MAGISTRATE JUDGE

/s/ Alexis Klein and Christina McCall

Approved as to form by AUSAs ALEXIS KLEIN and
CHRISTINA McCALL

United States v. Daragh F. Hayes
Penalties for Criminal Complaint

VIOLATION: 18 U.S.C. § 2251(a) and (e) – Sexual Exploitation of a Child

PENALTIES: Mandatory minimum of 15 years in prison and a maximum of 30 years in prison;
Fine of up to \$250,000;
Supervised release of at least 5 years up to life (18 U.S.C. 3583(k));

Forfeiture;
Mandatory Restitution for victims (18 U.S.C. §§ 2259 and 3663); and
Special Assessment: \$5,100 (18 U.S.C. §§ 3013, 3014)
AVAA Assessment: \$50,000 (18 U.S.C. § 2259A(a)(3))